



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,927	12/15/2000	Luosheng Peng	10480-004-999	1072

7590 09/02/2003

ROXANA H. YANG
LAW OFFICE OF ROXANA H. YANG
P.O. BOX 3986
LOS ALTOS, CA 94024

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 09/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,927

Applicant(s)

PENG, LUOSHENG

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims **1-12** and **27-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley (US. Patent 5,999,740) in view of Grant et al (US. Patent 5,218,602) and further in view Bannon et al (US. Patent 6,047, 357).

As to **claim 1**, Rowley teaches user operation history (a list of the titles and versions of currently installed applications/ selection of an application will automatically cause any dependent applications to be selected, col 5, ln 42-67/a list of the existing software application, col 4, ln 7-67), a least one user (the client computer, col 5, ln 42-67/client, col 3, ln 10-67), user and application registration information (stores a registration file 109 containing a list of all the applications currently installed on the client, col 3, ln 10-67), a list of frequently accessed information (the manifest file , col 5, ln 42-67 to col 6, ln 1-20), information(files, col 5, ln 65-67/ the specified file, col 5, ln 1-20), a mobile device (the client, col 6, ln 1-20), application or data(applications, col 8, ln 25-35), user operation history and said user and application registration information among a plurality of X (the uploader to contact the specific source server, col 3, ln 30-67).This performing can be implemented in the gateway

Rowley does not teach X as gateway, synchronizing ... among a plurality of gateways. However, Grant teaches the connection commands buffered in the prior frame are simultaneously executed, col 15, ln 18-23/ provide a synchronization signal to said interchange It would have been obvious to apply the teaching of Grant to Rowley in order to improve method of using a switching network to handle a large number of messages in a given time.

Art Unit: 2126

Control system and said gateway group controller (col 18, ln 25-30/ broadcasting packets to all of said gateways simultaneously, col 18, ln 40-52).

It would have been obvious to apply the teaching of Grant to Rowley in order to improve method of using a switching network to handle a large number of messages in a given time.

Rowley does not teach caching information. However, Bannon teaches a method for caching (Fig. 2).

It would have been obvious to apply the teaching of Bannon to Rowley in order to provide a computer system which employs write-back caches to be able to locate the most recent copy of write back cache data in a simplified manner that does not consume additional time during accesses to the cache.

As to claim 2, Rowley teaches a first set and second set of frequently accessed information (the manifest file, col 5, ln 42-67 to col 6, ln 1-20/ col 8, ln 20-35).

As to claim 3, Rowley teaches a broadcast about a new version (download from said server computer to said client computer a manifest file containing the details of the application files to form an updated version of the selected application, col 8, ln 15-40), a local cache (the specific directory, col 6, ln 1-15), old version (the existing file, col 6, ln 1-21/ files, co 6, ln 1-21), new version (the file version is more advanced, col 6, ln 1-21), comparing new version and old version (existing files with the same names, col 6, ln 1-21), updating porting of said information(the directory will be overwritten, col 6, ln 1-21/ the application files required to form an updated version, col 8, ln 20-35/ application is selected for upgrading, col 7, ln 50-60), user event(update program, col 7, ln 50-67).

Art Unit: 2126

As to claim 4, Rowley teaches a user request (the uploader, col 4, ln 7-65), old version (the existing application (col 4, ln 7-65).

As to claim 5, Rowley teaches a status check with a server (the administrator to specify which of the server 102 is to act as a source server, col 3, ln 45-67), a new version (a new manifest file, col 8, ln 45-67/ the file version is more advanced, col 6, ln 1-21), old version (the existing file, col 6, ln 1-21/ files, co 6, ln 1-21).

As to claim 6, Rowley teaches triggering said status check (selecting the OK button, col 4, ln 40-67).

As to claim 7, Rowley teaches an estimated update interval (select target server, col 4, ln 40-67).

As to the method of claim 8, see the rejection of claim 3.

As to claim 9, refer to the rejection of claim 8. Further, Rowley teaches if said local cache includes said old version or local caches does not include said old version (identify which of the currently installed applications have more recent versions available, col 5, ln 28-67/ a check is made to determine, col 6, ln 1-60).

As to claim 10, Rowley teaches downloading (a download ... a manifest file, col 9, ln 1-15), a schedule (details of the application files required to form an updated version of the selected application, col 9, ln 1-25).

As to claim 11, Rowley teaches an estimated update interval(the content of the manifest file, col 4, ln 46-67/ Fig.8).

As to claim 12, Rowley does not teach teaches a plurality of potential gateways, their availability, a synchronization process, response. However, Grant teaches a plurality of

Art Unit: 2126

gateways, (col 18, ln 15-30), a timing (col 18,ln 15-30), a synchronization signal (col 18, ln 15-30), access (col 18, ln 15-30).

It would have been obvious to apply the teaching of Grant to Rowley in order to improve the method of using a switching network to handle a large number of messages in a given time.

As to a computer program product of claim 27, see the rejection of claim 1.

As to a computer program product of claim 28, see the rejection of claim 2.

As to a computer program product of claim 29, see the rejection of claim 3.

As to a computer program product of claim 30, see the rejection of claim 4.

As to a computer program product of claim 31, see the rejection of claim 5.

As to a computer program product of claim 32, see the rejection of claim 6.

As to a computer program product of claim 33, see the rejection of claim 7.

As to a computer program product of claim 34, see the rejection of claim 8.

As to a computer program product of claim 35, see the rejection of claim 9.

As to a computer program product of claim 36, see the rejection of claim 10.

As to a computer program product of claim 37, see the rejection of claim 11.

As to a computer program product of claim 38, see the rejection of claim 12.

2. Claims 13, 14, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley (US. Patent 5,999,740) in view of Grant et al (US. Patent 5,218,602) in view of Bannon et al (US. Patent 6,047,357) and further in view of Ogle et al (US. Patent 5,983,281)

As to claim 13, Rowley does not teach activity at said mobile device and said gateway, routing said mobile device, gateway is overload.... However, Ogle teaches gateway 20 receives a

Art Unit: 2126

message from a source device (col 7, ln 62-67 to col 6, ln 1-45), redirect communication to the proper gateway (col 6, ln 1-45), if the gateway was not the proper gateway (col 6, ln 1-45).

It would have been obvious to apply the teaching of Ogle to Rowley in order provide the load balancing between gateways interconnecting two computer networks.

As to the claim 14, Rowley does not teach nearest function gateway. However, Ogle teaches the proper gateway (col 6, ln 1-45).

It would have been obvious to apply the teaching of Ogle to Rowley in order provide the load balancing between gateways interconnecting two computer networks.

As to a computer program product of claim 39, see the rejection of claim 13.

As to a computer program product of claim 40, see the rejection of claim 14.

2. Claims **15, 16, 41 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley (US. Patent 5,999,740) in view of Grant et al (US. Patent 5,218,602) in view of Bannon et al (6,047,357) and further in view of Ratcliff et al (US. Patent 6,023,734).

As to claim 15, Rowley does not teach saving local information and a list of uniform resource locator in database of gateway, new mobile device, an initiation request, and new mobile device. However, Ratcliff teaches the addresses and all other information pertaining to all the connected initiating (col 3, ln 10-10/ col 4, ln 60- 67 to col 5, ln 1-13/ col 25, ln 35-55), a port-sharing table (col 3, ln 10-10/ col 4, ln 60- 67 to col 5, ln 1-13/ col 25, ln 35-55), host A/ the initiating host (col 3, ln 10-10/ col 4, ln 60- 67 to col 5, ln 1-13, request (col 25, ln 35-55).

It would have been obvious to apply the teaching of Ratcliff to Rowley in order to set up the desired communication directly between the two initiating hosts without any need to route the communication or data through the local area network.

Art Unit: 2126

As to claim 16, Rowley teaches downloading / sending said application or data from a server (download from said remote file server to said computer a manifest file, col 9, ln 5-15).

Note claim 1 for local cache/cache.

Rowley does not teach gateway. However, Ratcliff teaches checks the availability and existence of the device (col 5, ln 45-50)/ searches its existing port-sharing table to see if the particular IP address is included or not (col 7, ln 50-67).

It would have been obvious to apply the teaching of Ratcliff to Rowley in order to set up the desired communication directly between the two initiating hosts without any need to route the communication or data through the local area network.

As to a computer program product of claim 41, see the rejection of claim 15.

As to a computer program product of claim 42, see the rejection of claim 16.

2. Claims **17 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley (US. Patent 5,999,740) in view of Grant et al (US. Patent 5,218,602) in view of Bannon et al (US. Patent 6,047,357) and in view Sciammarella et al (US. Patent 5,886,698).

As to claim 17, Rowley does not teach a request to search, keyword, generating a result based on searching. However, Sciammarella teaches response to search, predetermined keyword, search result (col 8, ln 1-15).

It would have been obvious to apply the teaching of Sciammarelle to Rowley in order to provide a graphical display of search results to indicate relevancy of the results to search terms.

As to a computer program product of claim 43, see the rejection of claim 17.

Art Unit: 2126

3. Claims 18, 19, 20 , 44, 45 , 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al (US. 6,493,871 B1) in view of Ratcliff et al (US. Patent 6,023, 734) and further view of Bannon et al (US. 6,047,357)

As to claim 18, McGuire teaches a requested application (CHKNTF-S. EXE, col 10, ln 1-50), request application is current (the most-recent version, col 10, ln 1-50), an update schedule (any files remain on the needed list, col 14, ln 42-55), generating an application download request (the CHKNTF-S.EXE will be added to the needed list request, col 10, ln 5-50), generating an application update request (It is therefore included in the needed files list, col 10, ln 5-50), update schedule is not executed(the connection dropped, col 14, ln 30-55), generating an application status check request(the list will be re-submitted. The request submission and update downloading are iterated, col 14,ln 42-55), sending application download request, said application update request, or said application status check request (the list of needed files is included in a download request and send, col 7, ln 35-55).

McGuire does not teach opening a logical session, a physical session connected to a gateway. However, Ratcliff teaches establishing communication with the gateway device(col 5, ln 1-15)/ TCP/IP or other protocols to connect to the gateway device, col 6, ln 14-55).

It would have been obvious to apply the teaching of Ratcliff to McGuire in order to provide transparent interconnection of these single networking protocols, so that a single multi-port transport network is formed.

McGuire does not teach local cache. However, Bannon teaches a method for caching (Fig. 2).

It would have been obvious to apply the teaching of Bannon to Rowley in order to provide a computer system which employs write-back caches to be able to locate the most recent copy of write back cache data in a simplified manner that does not consume additional time during accesses to the cache.

As to claim 19, McGuire teaches a user database (the \Windows\system32 directory, col 10, ln 4-15), user operation history (the needed list, col 7, ln 8-55/ col 9, ln 16-45).

As to claim 20, McGuire teaches loading said requested application from said local caches (transmitting a download request containing the needed-files list to a download server, col 15, ln 65-67); update schedule is executed (processing the download files to update the existing files, col 16, ln 6-11).

As to a computer program product of claim 44, see the rejection of claim 18.

As to a computer program product of claim 45, see the rejection of claim 19.

As to a computer program product of claim 46, see the rejection of claim 20.

4. Claims **21-25, 47-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al (US. 6,493,871 B1) in view of Lagarde et al (US. Patent 5,721,908)

As to claim 21, McGuire teaches a request (a download request, col 7, ln 7-55), parsing (compiles a needs files list in a download request, col 7, ln 7-55), user operation history (the existing file, col 7, ln 7-55), first intelligent strategy (the set of installation files, col 7, ln 7-55), database access request (the list of needed files is included in a download request 90, col 7, ln 25-55), accessing a database (database of update data 92, col 7, ln 25-55), response (update files 96, col 7, ln 25-56), mobile device (the client 72, col 7, ln 25-55).

McGuire does not teach the gateway. However, Lagarde teaches database gateway (col 2, ln 1-10/ fig. 11).

It would have been obvious to apply the teaching of Lagarde to McGuire in order to achieve a means for accepting Web client request for information, obtaining data from one or more databases, which may be located on multiple platforms at different physical locations on an Internet.

McGuire does not teach local catch. However, Lin teaches a method that rapidly catches the necessary data (page1).

It would have been obvious to apply the teaching of Lin to Rowley in order to catch the necessary data without searching one by one when linking to the net and downloading data.

As to claim 22, McGuire teaches determining a requested application or data is located (to determine whether the desired version of CHKNTF-S.EXE exists, col 10, ln 4-20), requested application or data is current (the most-recent version, col 10, ln 4-37).

As to claim 23, McGuire teaches a server (server 70, col 7, ln 25-55), a server response (update files 96, col 7, ln 25-55/ a list of the files, col 13, ln 25-67/ an error, col 13, ln 5-12/ an incomplete response), a second intelligence strategy (constituent parts, col 13, ln 58-67).

As to claim 24, McGuire teaches a logical session, physical session (the transfer protocol requirement, col 11, ln 10-25). Protocol must be opened before the data is transferred.

As to claim 25, McGuire teaches broadcast message (an error, col 13, ln 5-12/ an incomplete response, col 14, ln 42-55), an acknowledgment (the list will be re-submitted, col 14, ln 30-55).

Art Unit: 2126

As to a computer program product of claim 47, see the rejection of claim 21.

As to a computer program product of claim 48, see the rejection of claim 22.

As to a computer program product of claim 49, see the rejection of claim 23.

As to a computer program product of claim 50, see the rejection of claim 24.

As to a computer program product of claim 51, see the rejection of claim 25.

5. Claims **26, 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al (US. 6,493,871 B1) in view of Rowley (US. Patent 5,999,740).

As to claim 26, McGuire teaches a schedule for updating (an initial setup package 80, col 7, ln 24-67), application (information 84 regarding which files are potentially required for installation, col 7, ln 10-55 / the list of need files, col 7, ln 15-56), updated application (the set of installation files, col 7, ln 25-56), a request (a download request, col 7, ln 10-55), a differential file (update file 96, col 7, ln 25-56).

McGuire does not teaches updating said application to obtain an updated application. However, Rowley teaches the manifest file can be edited to create a new manifest files, col 4, ln 45-67).

It would have been obvious to apply the teaching of Rowley to McGuire in order to obtain the necessary update information and to install it on the user's computer.

As to a computer program product of claim 52, see the rejection of claim 26.

6. *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Art Unit: 2126

Fax phone: AFTER_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICAL faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

LeChi Truong
August 11, 2003

